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*Attorneys for
Brocade Communications Systems, Inc.*

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE BROCADE COMMUNICATIONS
SYSTEMS, INC. DERIVATIVE LITIGATION**

This Document Relates To:

ALL ACTIONS

Case No. C05-02233 CRB

~~PROPOSED~~ ORDER

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WHEREAS, by Order dated June 18, 2008, this Court ordered Brocade Communications Systems, Inc. ("Brocade"), through the Special Litigation Committee of its Board of Directors ("SLC"), to file any amended complaint it wished to file asserting direct claims in this action; and

WHEREAS the SLC has filed a Second Amended Complaint herein on behalf of Brocade; and

WHEREAS Brocade (acting through the SLC) also filed a motion to realign the parties in this action to re-designate Brocade as the sole party-plaintiff and substitute it for the shareholder plaintiffs; and

WHEREAS, on August 8, 2008, plaintiffs' counsel entered into an agreement with Brocade (acting through the SLC) whereby plaintiffs' counsel agreed that (i) the SLC's action in connection with the Second Amended Complaint is appropriate and in Brocade's best interests, and (ii) plaintiffs' counsel will take all steps necessary to withdraw themselves and the shareholder plaintiffs from this action and to assist the SLC and its counsel in all ways necessary to allow the SLC to assume control of the this action and to realign Brocade as plaintiff, conditioned upon their further review of the Second Amended Complaint; and

WHEREAS plaintiffs' counsel have completed their review of the Second Amended Complaint and, based on such review, are satisfied with the good faith and independence of the SLC, as well as the reasonableness of its investigation into, and the steps it has taken to pursue, the matters at issue in this action, and have stipulated that the parties to this action should be realigned, with Brocade re-designated as the sole party-plaintiff and substituted for the shareholder plaintiffs, and that the shareholder plaintiffs should be dismissed; and

WHEREAS the Agreement has been submitted to the Court, ~~under seal for its in~~
~~camera review;~~

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1 1. ~~The return date of the motion to dismiss to realign the parties is accelerated~~
2 ~~from September 19, 2008 to August 21, 2008.~~

3 2. The parties to this action are realigned, with Brocade re-designated as the sole
4 party-plaintiff and substituted for the shareholder plaintiffs.

5 3. The shareholder plaintiffs are hereby dismissed from this action.

6
7 SO ORDERED this 27th day of August, 2008.

